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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/122,293	07/24/1998	MASAHIKO SAKAYORI	1232-4457	4239
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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER MEINECKE DIAZ, SUSANNA M	
			ART UNIT 3623	PAPER NUMBER
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/122,293

Applicant(s)

SAKAYORI ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,11,21 and 37-49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-8,11,21 and 37-49 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This final Office action is responsive to Applicant's amendment filed October 24, 2005.

Claims 1, 3-8, 11, 21, and 37-49 have been amended.

Claims 1, 3-8, 11, 21, and 37-49 are pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-8, 11, 21, and 37-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that "the first, second and third domains each include" the following: "receiving means for receiving an order from one of the domains," judging means..., machining planning means, expanding means, order planning means, and communication means. It is not clear whether the receiving means, that are part of each domain, receive an order from the other respective domains. In other words, does the first domain receive orders only from the second and third domains while the second domain receives order only from the first and third domains, etc.? Also, if each domain has the capability of performing all recited functionality, why does it need to send its data to another domain for processing? Dependent claim 3 refers to "said receiving means of the second domain." The location of the receiving means was never defined,

Art Unit: 3623

thereby raising antecedent basis questions. As a matter of fact, claim 1 implies that each domain has a receiving means. Similarly, claim 4 recites "said machining planning means of the second domain." Claim 5 recites "said expanding means of the second domain." Claim 6 recites "said order planning means of the second domain." Again, there is no express antecedent basis for each of these respective means only belonging to the second domain.

Claim 7 defines the first domain as corresponding to an ordering starting point and the third domain as corresponding to an ordering end point, which conflicts with claim 1 since claim 1 recites that all domains comprise the same structure and corresponding functionality. What are the distinctions, if any, among the three domains, especially in relation to their respective structure, functionality, and relationship among the domains? Claim 7 also recites that "said receiving means of said third domain...receives an order in response to the issuance of the order." There is no express antecedent basis for "said receiving means of said third domain." Furthermore, does Applicant's intended invention distinguish between the role of the receiving means of the second domain versus that of the third domain?

Regarding claim 8, if the first, second, and third domains are connected in a tree structure (as per independent claim 1) and a node is any representation of a point or element in a system (e.g., a domain), then how can the first, second, and third domains be connected in a nodeless tree structure (as per the language of claim 8)? Claim 8 also recites that "an order for each component part processed by said first domain is communicated to the third domain without processing being duplicated by said

expanding means of said second domain.” Again, why would the first domain need to send an order to the third domain if the first domain comprises the same structure and is capable of performing the same corresponding functionality as the second domain?

Claim 11 recites that the second domain comprises “stopping means for...stopping the communication of parts order to the third domain...,” yet there is no clear recitation of a parts order being communicating to the third domain. Therefore, the extent of active integration of this stopping means is ambiguous since it is not clear when its services would be needed, especially since all three domains incorporate much of the same structure and functionality (as recited in claim 1).

Claims 3-8 and 11 are dependent from claim 1 and therefore inherit all rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

Claims 38-41 recite an apparatus with many of the limitations already recited in claims 1, 3-8, and 11; therefore, rejections regarding common limitations recited in both sets of claims apply.

Claims 21, 37, and 42-49 recite method claims corresponding to much of the functionality already recited in claims 1, 3-8, and 11; therefore, rejections regarding common limitations recited in both sets of claims apply.

Appropriate correction and/or clarification is required.

*Because claims 1, 3-8, 11, 21, and 37-49 are so indefinite, no art rejection is warranted as substantial guesswork would be involved in determining the scope and content of these claims. See In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962);*

Art Unit: 3623

*Ex parte Brummer, 12 USPQ 2d, 1653, 1655 (BdPatApp&Int 1989); and also In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Prior art pertinent to the disclosed invention is nevertheless cited and applicants are reminded they must consider all cited art under Rule 111(c) when amending the claims to conform with 35 U.S.C. 112.*

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsukishima et al. (U.S. Patent No. 5,764,519) -- Discloses a method and device for computing material requirements. Tsukishima breaks down part requirements using parallel expansion and indicates levels of part relationships using a tree diagram.

Bellini et al. (U.S. Patent No. 5,974,395) -- Discloses a system and method for extended enterprise planning across a supply chain. The supply chain entities are arranged in a tree structure and each entity is responsible for different aspects of the supply chain process.

Dietrich et al. (U.S. Patent No. 5,970,465) -- Discloses a method for part procurement in a production system with constrained resources. Different modules analyze different aspects of the part procurement process.

MAPICS "Welcome Center - MAPICS: Overview" web site -- Discloses MAPICS' integrated performance of the following activities: forecasting, master production

Art Unit: 3623

schedule planning, material requirement planning, capacity requirements planning, and finite capacity scheduling and planning.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

January 8, 2006